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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUN 30 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Allocation of Spectrum)

below 5 GHz Transferred)

from Federal Government Use)

ET Docket No. 94-32

REPLY COMMENTS OF LORAL/QUALCOMM PARTNERSHIP, L.P.

Loral/QUALCOMM Partnership, L.P. ("LQP"), hereby submits its Reply Comments in the above-captioned proceeding. Based on the initial comments, LQP urges the Commission to coordinate with the National Telecommunications and Information Administration (NTIA) concerning the spectrum recommended for allocation from government use and to conduct additional proceedings to determine the uses for the spectrum which will best serve the goals set forth in the Commission's Notice of Inquiry.¹ Moreover, the Commission should identify spectrum for Mobile Satellite Service (MSS), as LQP recommended in its initial comments, and conduct a proceeding addressing allocation of spectrum for MSS in the near future.

I. THE COMMISSION SHOULD COORDINATE WITH NTIA CONCERNING THE USEFULNESS OF SPECTRUM TO BE MADE AVAILABLE FOR COMMERCIAL SERVICES

The Budget Act requires NTIA to identify and recommend for reallocation frequency bands "that are most likely to have the greatest potential for productive uses and public benefits under the 1934 Act if allocated for non-Federal use."

¹ The goals as stated in the Notice of Inquiry ("NOI"), are to "ensure that spectrum reallocated for private sector use will provide for the introduction of new services and the enhancement of existing services." Notice of Inquiry, FCC 954-97, released May 4, 1994.

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Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, § 6001(a)(3), 107 Stat. 312 (approved August 10, 1993). The comments suggest that additional spectrum needs to be reallocated to fulfill this mandate. LQP urges the Commission to work with NTIA to express the concerns of interested parties and to maximize the benefits of reallocation.

The comments in this proceeding are from a broad range of providers and users of telecommunications services, including mobile satellite service (MSS) interests, such as LQP, private land mobile users, amateurs, the radioastronomy community, as well as manufacturers of telecommunications equipment and Part 15 devices. These comments indicate a need for substantial amounts of spectrum over the next few years which can be used to enhance existing services or introduce new services, to the benefit of the public interest, through the provision of new communications services, such as MSS.

Despite this critical need for additional spectrum, many commenters pointed out that the reallocated spectrum was of limited usefulness, particularly the 2402-2417 MHz and 2390-2400 MHz bands. The Telecommunications Industry Association ("TIA") notes that the 2402-2417 MHz band is essentially "already allocated to exclusive non-federal use."² The current non-federal uses include industrial, scientific and medical (ISM) devices, Part 15 devices, and amateur radio (on a secondary basis). TIA notes that only five government systems, shipboard radar systems, currently are operated in the band. Moreover, the existing non-federal users make the introduction of commercial systems in this band very difficult.³ The radioastronomy community also seeks protection for operations in the 4830 MHz from harmonics emissions from

² TIA Comments, at p. 7.

³ See, e.g., Comments of Apple Computer, Inc., Itron, Inc., AT&T, and the American Radio Relay League.

the 2402-2417 MHz band.⁴ Thus, these 15 MHz do not have potential for substantial new uses.

The 2390-2400 MHz band also is utilized for ISM. Moreover, any commercial system would have to protect the planetary research in the 2380 MHz band conducted at Arecibo Laboratory in Puerto Rico.⁵ However, this band may be more useful for new commercial communications services because it is not planned for use by the Part 15 systems under development and because it can be paired with the 2300-2310 MHz band, proposed by NTIA to be made available for commercial use in January 1996.⁶

LQP believes that the Commission should immediately advise NTIA that the 2402-2417 MHz band appears to offer little potential for commercial services and seek to have NTIA identify other spectrum for inclusion in the 50 MHz to be made available this year. Because the 2390-2400 MHz band could be paired with the 2300-2310 MHz band, the Commission should seek to have the 2300-2310 MHz segment included in the initial spectrum to be made available, to increase the usefulness of the 2390-2400 MHz band and to allow possible use by MSS systems.

A paired band could be especially useful to provide additional user uplink and downlink capacity in MSS systems.

II. THE COMMISSION SHOULD CONSIDER THE SPECTRUM NEEDS FOR MOBILE SATELLITE SERVICES

LQP, in its initial comments in this proceeding, urged the Commission to

⁴ See Comments of the National Academy of Sciences, at pp. 8-9.

⁵ See Comments of the National Academy of Sciences and Comments of Cornell University.

⁶ See Preliminary Spectrum Reallocation Report, NTIA Special Publication 94-27, February, 1994, at p. iv.

allocate all of the initial 50 MHz for use by MSS.⁷ The Commission already has found that MSS "has significant potential to stimulate economic growth both in the United States and abroad."⁸ Motorola, another applicant for provision of non-GSO MSS, also supports additional allocations for MSS in this proceeding. Motorola notes that the Commission, within the Personal Communications Service proceeding (PCS), recognizes the spectrum needs of MSS.⁹ AMSC, a U.S. domestic provider of MSS, also notes the "severe shortage of spectrum available for MSS."¹⁰

Motorola's comments support LQP's proposal that the Commission "initiate a domestic proceeding to allocate spectrum for MSS."¹¹ The Commission should use the opportunities presented by this spectrum reallocation proceeding to find suitable spectrum for MSS. The Commission will also have an opportunity to evaluate MSS needs within the context of its proceeding in preparation for the 1995 World Radiocommunication Conference (WRC-95), IC Docket No. 94-31.¹²

LQP will continue to evaluate the usefulness for MSS of the 50 MHz of spectrum proposed for reallocation by NTIA, as well as other frequency bands. But, because of the enormous potential for MSS to provide communications where none

⁷ LQP Comments, at p. 1.

⁸ Notice of Proposed Rulemaking, 9 FCC Rcd 1094, 1096 (1994).

⁹ Motorola Comments, at p. 2; see also Memorandum Opinion and Order in the Matter of Amendment of the Commission's Rules to establish New Personal Communications Services, GEN Docket No. 90-314, FCC 04-144, released June 13, 1994.

¹⁰ AMSC Comments, at p. 1.

¹¹ LQP Comments, at p.5.

¹² See Notice of Inquiry, FCC 94-31 (released May 18, 1994).

now exists, both within the U.S. and around the globe,¹³ to enable global roaming for users of terrestrial wireless services, and "to fulfill the urgent need for dependable, ubiquitous communications...in the event of natural disasters and other emergencies,"¹⁴ the Commission should work with NTIA to identify additional spectrum which could be made available for MSS.

IV. CONCLUSION

The initial 50 MHz of spectrum to be made available by NTIA may prove useful for MSS user and/or feeder links, particularly if NTIA substitutes the 2300-2310 MHz band for the 2402-2417 MHz band. In any event, the Commission should initiate proceedings to address the needs of MSS for more spectrum. And, the Commission should work closely with NTIA to ensure that the spectrum to be made available from current government uses is truly usable and useful for commercial telecommunications services. Only through close cooperation between the Commission, NTIA and other Executive Branch agencies, and the private sector, can the goals of the Congress in the Budget Reconciliation Act be achieved.

¹³ The need for expanded communications in rural areas was supported by a number of parties in this proceeding, including Leaco Rural Telephone Cooperative, Inc. The use of MSS to provide such communications was supported recently in comments on the proceeding establishing licensing and service rules for MSS. See Comments of the American Red Cross, filed April 21, 1994, and Comments of the Texas Advisory Commission on State Emergency Communications, in CC Docket No. 92-166.

¹⁴ LQP Comments on MSS NPRM, pp. 12-13.

Respectfully submitted,

LORAL/QUALCOMM PARTNERSHIP, L.P.

By: John T. Scott (cat)
John T. Scott, III
William D. Wallace
Crowell & Moring
1001 Pennsylvania Avenue N.W.
Washington, D.C. 20004-2505
(202) 624-2500

By: Leslie A. Taylor
Leslie A. Taylor
Leslie Taylor Associates
6800 Carlynn Court
Bethesda, MD 20817-4302
(301) 229-9341

Its Attorneys

June 30, 1994

CERTIFICATE OF SERVICE

I, Andrew F. Taylor, hereby certify that on this 30th day of June, 1994, copies of the foregoing "Reply Comments of Loral/QUALCOMM Partnership, L.P.," were mailed, postage prepaid, to the following:

Lon C. Levin
Vice President
American Mobile Satellite Corp.
10802 Parkridge Blvd.
Reston, VA 22091

Bruce D. Jacobs
Glenn S. Richards
Fisher, Wayland, Cooper & Leader
1255 23rd Street N.W.
Suite 800
Washington, D.C. 20037

Victor J. Toth, P.C.
Law Offices
2719 Soapstone Drive
Reston, VA 22091

Richard Parlow
Associate Administration for
Spectrum Management
National Telecommunications and
Information Administration
U.S. Department of Commerce
14th & Constitution Avenues, N.W.
Washington, D.C. 20230

Barry Lambergman
Fletcher, Heald & Hildreth
P.O. Box 33847
Washington, D.C. 20033-0847

Robert A. Mazer
Nixon, Hargrave, Devans & Doyle
One Thomas Circle, N.W.
Suite 800
Washington, D.C. 20005

Jill Abeshouse Stern
Shaw, Pittman, Potts & Trowbridge
2300 N Street N.W.
Second Floor
Washington, D.C. 20037

Norman P. Leventhal
Raul R. Rodriguez
Stephen D. Baruch
David S. Keir
Leventhal, Senter & Lerman
2000 K Street N.W.
Suite 600
Washington, D.C. 20006-1809

The Honorable Larry Irving
Administrator
National Telecommunications and
Information Administration
U.S. Department of Commerce
14th & Constitution Avenues, N.W.
Washington, D.C. 20230

Philip L. Malet
Steptoe & Johnson
1330 Connecticut Ave. N.W.
Washington, D.C. 20036

Alicia A. McGlinchey
COMSAT Mobile Communications
22300 COMSAT Drive
Clarksburg, MD 20871

Michael D. Kennedy
Michael A. Menius
Motorola Inc.
Government Relations Office
1350 I Street N.W.
Suite 400
Washington, D.C. 20005

Tom W. Davidson
Paul S. Pien
Akin, Gump, Strauss, Hauer &
Feld, L.L.P.
1333 New Hampshire Avenue, N.W.
Suite 400
Washington, D.C. 20036

Gary M. Epstein
Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Thomas S. Tycz
Deputy Chief, Domestic Facilities
Division
Federal Communications Commission
2025 M Street, N.W.
Room 6010
Washington, D.C. 20554

Walter Sonnenfeldt
Walter Sonnenfeldt & Associates
4904 Ertter Drive
Rockville, MD 20852

Robert A. Frazier
Spectrum Engineering & Planning
Division
ASM-500
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

David Struba
NASA Headquarters
Code OI
Washington, D.C. 20546

Thomas Trimmer
U.S. Army
Hoffman II
Room 9865
200 Stovall Street
Alexandria, VA 22332

David Buchanan
Chairman, Regulatory Review
Committee
California Public-Safety Radio Asso.
c/o County of San Bernadino
Radio Division
1743 Miro Way
Rialto, CA 92376

Jeffrey Sheldon
Sean Stokes
Utilities Telecommunications
Council
1140 Connecticut Avenue N.W.
Suite 1140
Washington, D.C. 20036

Christopher D. Imlay
Booth, Freret & Imlay
1233 20th Street, N.W.
Suite 204
Washington, D.C. 20036

Mark C. Rosenblum
Kathleen F. Carroll
Ernest A. Gleit
AT&T
Room 3261B3
295 North Maple Avenue
Basking Ridge, New Jersey 07920

Tim Stoffel
Rochester VHF Group
P.O. Box 92122
Rochester, NY 14692

Robert L. Riemer
National Research Council
Commission on Physical Sciences
2101 Constitution Avenue
Washington, D.C. 20418

Kent Britain
1626 Vineyard Rd.
Grand Prairie, TX 75052-1405

Michael Roberts
Director, First Nations Development
Institute
The Stores Building
11917 Main Street
Fredricksburg, VA 22408

Robert J. Miller
Gardere & Wynne, L.L.P.
1001 Elm Street
Suite 3000
Dallas, TX 75201

Southern California Repeater and
Remote Base Asso.
P.O. Box 5967
Pasadena, California 91117

Roland P. Penta
President, Phelps Sungas, Inc.
224 Cross Road
Geneva, New York 14456

James Burroughs
Vice President & General Counsel
NPGA 4301 North Fairfax Drive
Suite 340
Arlington, VA 22203

H. Denny Chase
Chairman of the Board
Cactus Radio Club, Inc.
P.O. Box 711511
Santee, CA 92072-1511

Tommy Pope
Emergency Services Agency
City of Durham
314 North Mangum Street
Durham, NC 27701

E.R. Bowler
E.V. Williams Co. Inc.
P.O. Box 938
Norfolk, VA 23501

Jeffrey H. Olsen
Paul, Weiss, Rifkind, Wharton
& Garrison
1615 L Street N.W.
Suite 1300
Washington, D.C. 20036

John D. Lane
Robert M. Gurss
Wilkes, Artis, Hedrick & Lane
1666 K Street N.W.
Suite 1100
Washington, D.C. 20006

David J. Hensing
American Assoc. of State Highway
& Transportation Officials
444 n. Capitol Street, N.W.
Suite 249
Washington, D.C. 20001

James L. Wurtz
1275 Penn. Ave. N.W.
Washington, D.C. 20004

John Eramo & Sons, Inc.
1686 Williams Road
Columbus, Ohio 43207

James D. Ellis
Mary W. Marks
175 E. Houston
12th Floor
San Antonio, Texas 78205

Amateur radio Council of Arizona
Frequency Coordination Committee
C/O Ralph S. Turk, Chairman
P.O. Box 5188
Tucson, Arizona 85703

Wayne V. Black
Joseph M. Sandri, Jr.
Keller & Heckman
1001 G Street N.W.
Suite 500 West
Washington, D.C. 20001

Carroll F. White
Police Communications
New York City Transit Police Dept.
806 Ninth Avenue - CSU
New York, NY 10019

James P. Tuthill
Theresa L. Cabral
140 New Montgomery St.
Room 1529
San Francisco, CA 94105

E.R. Angle
Western States VHF Microwave
Society
P.O. Box 35
Lomita, CA 90717-0035

David E. Weisman
Alan S. Tilles
Meyer, Faller, Weisman
& Rosenberg, P.C.
4400 Jenifer Street N.W.
Suite 380
Washington, D.C. 20015

Frank Della Corte
GEC Plessey Semiconductors, Inc.
1500 Green Hills Road
P.O. Box 660017
Scotts Valley, CA 95067-2900

San Bernadino Microwave Society
c/o Bill Burns
247 Rebel Road
Ridgecrest, CA 93555

Gregory T. Hochstetter
President
North Carolina Services Manager
Charlotte Meclenburg Police Dept.
825 East 4th Street
Charlotte, NC 28202

William A. Tynan,
President
Radio Amateur Satellite Corp.
P.O. Box 27
Washington, D.C. 20044

Carl Guastaferro
Norther Amateur Relay Council
of California, Inc.
P.O. Box 60531
Sunnyvale, CA 94088-0531

Matt L. Rodriguez, Chairman
Major Cities Chiefs of Police
Superintendent, Chicago Police Dept.
1121 South State Street
Chicago, Illinois 60605

Harlin E. McEwen, Chairman
Communications Committee
Chief of Police
Ithaca Police Dept.
120 East Clinton Street
Ithaca, New York 14850-5689

Joseph Garodnick, Ph.D.
Executive Vice President
InterDigital Communications Corp.
833 Northern Blvd.
Great Neck, NY 11021

Robert L. Greene
Attorney at Law
15 East 26th Street
New York, NY 10010

Herb D. Twitchell
P.O. Box 459
Balboa Island, CA 92662

Dr. William A. Baan
Spectrum Manager
National Astronomy and Ionsphere
Center
P.O. Box 995
Arecibo, Puerto Rico 00613

Mike Collis
Amateur Television Network
P.O. Box 1594
Crestline, CA 92325

Chris Fischer
Director of Communications
Valley Communications Center
23807 98 Ave. South
Kent WA 98031

Gary David Gray, P.E.
Chief Telecommunications Engineer
County of Orange
GSA/Communications Division
840 North Eckhoff Street
Suite 104
Orange, California 92668-1021

Jack Taylor, Esq.
9215 Rancho Drive
Elk Grove, CA 95624

Graham Barnes
Director of Marketing
Western Multiplex Corp.
300 Harbor Blvd.
Belmont, CA 94002

John Lloyd
Utah VHF Society Frequency
Coordinator
11560 Sandy Creek Drive
Sandy, Utah 84094

Carressa D. Bennet
Margaret D. Nyland
Kraskin & Associates
2120 L Street N.W.
Suite 810
Washington, D.C. 20037

Carl Wayne Smith
Chief Regulatory Counsel,
Telecommunications
Dept. of Defense
Code AR
Defense Information Systems Agency
701 S. Courthouse Road
Arlington, VA 22204

William A. Burns
247 Rebel Road
Ridgecrest, CA 93555

Kevin Kearns
King County Dept. of Public Works
Yesler Building
400 Yesler Way, Room 700
Seattle, WA 98104-2637

Ken Bellmard
Attorney at Law
205 West Hartford
Suite A
Ponca City, OK 74601

Eric Schimmel
Vice President
Telecommunications Industry Assoc.
2001 Penn. Ave. N.W.
Suite 800
Washington, D.C. 20006

David Buchanan
Chairman Regulatory Review
Committee
c/o County of San Bernardino
Radio Division
1743 Miro Way
Rialto, CA 92376

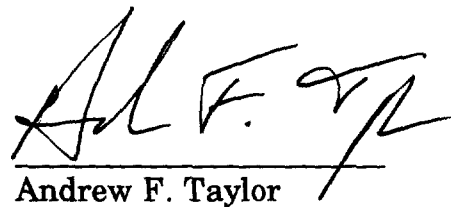
Michael D. Kennedy
Stuart E. Overby
Motorola, Inc.
1350 I Street N.W.
Washington, D.C. 20005

Gregory M. Schmidt
Ronald J. Krotoszynski, Jr.
Covington & Burling
1201 Penn. Ave. N.W.
P.O. Box 7566
Washington, D.C. 20044

Richard G. Geiger
Goldberg, Godles, Wiener & Wright
1229 Nineteenth Street, N.W.
Washington, D.C. 20036

Henry Goldberg
Goldberg, Godles, Wiener & Wright
1229 Nineteenth St. N.W.
Washington, D.C. 20036

Gail Polivy
GTE Service Corp.
1850 M Street N.W.
Suite 1200
Washington, D.C. 20036



Andrew F. Taylor